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Docket No.: TJU0012-101
PATENT

AppL Number: 11/611,533
Filed: 06/30/2003

REMARKS

Status of the Claims

Claims 1-33 are pending in the application.

Claims 1-33 have been subject to a restriction requirement.

By way of this amendment, claims 1, 11, 12, 25, 26, 29 and 30 have been amended, claims 21-24 and 33 have been canceled and new claims 34-39 have been added.

Upon entry of this amendment, claims 1-20, 25-32 and 34-39 will be pending.

Summary of the Amendment

The claims have been amended to more clearly define embodiments of the invention. Support for the amendments is found throughout the specification and claims as filed. No new matter has been added.

Restriction Requirement and Election of Species

Claims 1-33 have been subject to a restriction requirement wherein Applicants have been required to elect one invention from the following groups:

Group I, claims 3, 13, 22, 23, 26, 27, 30, and 31;

Group II, claims 4, 14, 24, 28, and 32; and

Group III, claim 33.

Applicants provisionally elect Group I, claims 3, 13, 22, 23, 26, 27, 30, and 31, with traverse. Applicants agree that the invention set forth in Group I is a separate and distinct invention from that set forth in Group II. However, the two inventions are so related, Applicants respectfully assert that examination of both groups in a single examination would not present an undue burden on the Patent Office. For the foregoing reason, Applicants respectfully request reconsideration and withdrawal of the restriction requirement as applied to Groups I and II.

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Applicants are further required to elect species for initial examination with respect to the different cancers, different stages of cancer and different biological samples used in the claimed methods. Applicants elect that the initial examination be directed to metastatic esophageal cancer and lymph node samples. Claims 1-4, 8-14, 18-20, 29-32 and 39 read on the elected species.

Conclusion

The examination of claims 1-20, 25-32 and 34-39 and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned attorney at 215.665.5592 to clarify any unresolved issues raised by this response.

As indicated on the transmittal accompanying this response, the Commissioner is hereby authorized to charge any debit or credit any overpayment to Deposit Account No. 50-1275.

Respectfully submitted,



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